

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,  
Plaintiff,

Civil Action No.: 92-70922  
DISTRICT JUDGE. JOHN FEIKENS  
MAGISTRATE STEVEN D. PEPE

vs

DAUPHYNE L. JONES, A.K.A. DAUPHYNE L. OWENS,  
Defendant.

vs.

MICHIGAN DEPARTMENT OF TREASURY  
Garnishee

vs.

ABN AMRO NORTH AMERICA  
Garnishee

\_\_\_\_\_ /

**ORDER DENYING DEFENDANT'S MOTION TO QUASH GARNISHMENT**

On June 2, 1992, a Default Judgment was entered in favor of the United States of America and against Defendant, Dauphyne L. Jones, A.k.a. Dauphyne L. Owens, in the amount of \$1,500.00 plus interest. This Judgment has not been satisfied. Involuntary payments totaling \$857.00 have been received on this Judgment through October 16, 2006. There remains a balance due to Plaintiff on this Judgment in the amount of \$4,996.32 as of October 16, 2006.

On October 4, 2006, the Defendant/Judgment Debtor was served with a copy of the Writ of Continuing Garnishment for Wages, Clerk's Notice, and Notice to Defendant Debtor on

How to Claim Exemptions. On October 12, 2006, Plaintiff received a copy of the Objections to

the Request for Writ of Garnishment that had been filed by Defendant. Defendant acknowledges that the garnishment concerns a student loan made 24 years ago. In the objection form, Defendant indicates that garnishment is barred by an installment payment order. No such order was attached nor has any been docketed. Also, on page 2 of the form, Defendant indicates that she would like to make a payment arrangement, suggesting there is not an installment payment order currently in effect.

Plaintiff argues that the government is seeking to garnish the legal percentage of Defendant/Debtors earnings from Defendant's employer Abn Amro North America . This wage garnishment falls within the definition of "Nonexempt disposable earnings contained in 28 U.S.C.A. § 3002 (B)(9) which allows the creditor to garnish "25 percent of disposable earnings, subject to §303 of the Consumer Protection Act." Because Plaintiff does not seek to collect more than the percentage of wages allowed by law, it claims Defendant's objection is without merit and they ask the Court to deny Defendant's objection.

The matter concerning Defendant's objections and her Request for Hearing to Quash Garnishment was scheduled for a telephonic hearing on January 10, 2007, to facilitate Defendant's participation in a convenient manner. Notice thereof was sent to Defendant in mid-December. On January 10, 2007, Attorney Deborah A. Banfill of Shermeta, Adams & Von Allmen, P.C., counsel for the Plaintiff United States of America appeared by phone. Defendant Jones failed to be available for the hearing when the Court called her phone. Nor was there an answering machine or any alternate phone number at work or otherwise provided to the Court

Because Defendant has provided the Court with no evidence that would warrant barring the garnishment, nor did she participate in the telephonic hearing at which a payment schedule might have been discussed, IT IS ORDERED that Defendant's Objections and request to quash the garnishment is

DENIED.

IT IS SO ORDERED.

January 19, 2007  
Flint, MI

s/ Steven D. Pepe  
Magistrate Judge Steven D. Pepe

**CERTIFICATE OF SERVICE**

I hereby certify that on January 19, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: Deborah A. Banfill, Esq., and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: Dauphyne L. Jones, a/k/a Dauphyne L. Owens, 19181 Steel, Detroit, MI 48235

s/ James P. Peltier  
Courtroom Deputy Clerk  
U.S. District Court  
600 Church St.  
Flint, MI 48502  
810-341-7850  
pete\_\_peltier@mied.uscourts.gov